FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.3135 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.M.Sabrad for the petitioner.

Mrs.M.H.Mhatre APP for State.

Coram : R.S.Mohite,J

Date : 17th January, 2006.

PC

1. This is a petition impugning an order passed by the JMFC taking cognizance of the case under Section 138 of N.I.Act and order dated 28.10.2005 passed by the 5th Adhoc Additional Sessions Judge, Nasik rejecting the revision. It is seen that the complaint was filed on 4.9.2000 and the same was verified by the Complainant on the same day but the Magistrate who was then hearing the matter inadvertently did not sign on the verification and directed the issuance of summons. When the accused took up the contention that the

proceedings were null and void, the Magistrate made a fresh verification and took cognizance. Nothing has been pointed out that the verification is required to be done within a particular time. If the earlier order issuing process is void for want of a signature on the verification, it is open for the Magistrate to cure the defect. Hence, I find no substance in the petition. Petition stands dismissed.

(R.S.Mohite,J)